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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,853	05/30/2000	David E. Carlson	81001/101/101	1512

7590

09/11/2002

Jeffery L Cameron
Nawrocki Rooney & Sivertson PA
Suite 401 Broadway Place East
3433 Broadway Street Northeast
Minneapolis, MN 55413

EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,853

Applicant(s)

CARLSON, DAVID E.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 6/18/02.

Claim Objections

2. Claim 18 is objected to because of the following informalities: line 3, "the" should be changed to --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed "a chemical composition that changes the first perception . . ." is not disclosed in the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maddock, US Patent No. 4,953,701, further in view of Lyon, US Patent No. 3,787,993.

Maddock discloses a fluorescent tube carrier assembly comprising: a fluorescent tube

carrier 2 has a plurality of capsules 4, each capsule has two ends 6, 8. The end 6 of each capsule 4 is closed off by a removable cover 10. At the other end 8 of each capsule 4, there is located a container 12. The container 12 is large enough to completely cover all of the ends 8 of the capsules 4 and deep enough to accommodate that part of a fluorescent tube 14 that extends beyond the ends 8 of each of the capsules 4. The container 12 is removably affixed to the ends 8 of the capsules 4 in any conventional manner. The container 12 has a base 16 that is removable from the rest of the container. Four spacers 17 hold the capsules in a fixed relationship with one another. The particular spacer 17 located at an end 8 of the capsules 4 also serves as a cover to prevent any broken glass within the container 12 from leaving the container 2 (see figures 1, 5; col. 2, line 18+ and col. 4, line 32+).

Maddock suggests that each capsule could have signaling means thereon to indicate new or spent (used) fluorescent tubes, but fails to disclose the specific indication means for indicating the state of the fluorescent tubes within the capsule.

Lyon discloses a colored coded gas container band for indicating the state (empty or otherwise) and the type of gas, wherein a yellow band indicates an empty tank (see figures 3-6; col. 3, lines 1-19).

In view of Lyon's teachings, it would have been obvious for an artisan of ordinary skill at the time the invention was made to employ the well-known indicating means of Lyon into the teaching of Maddock for identifying the state of each fluorescent light tube. Such modification would provide a more convenient and more secure way of identifying the state of the fluorescent tubes to prevent erroneously breaking of a new fluorescent tube. Therefore, it would have been an obvious extension as taught by Maddock.

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

The limitations, said article having a plurality of surfaces and perception being provides . . . , call for a new ground of rejection.

Additional Remarks

8. The lack of an art rejection with this Office action is not an indication of allowable subject matter (i.e., even though claim 11 is rewritten or amended to overcome the rejection under 35 U.S.C. 112 as discussed above). The disclosure/claimed language is such that it is impractical to conduct a reasonable search of the prior art by the examiner.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lawrence et al, US Patent No. 5,553,708, disclose a packaging for shipping spent fluorescent lamps. Yamagata, JP Patent No. 2001213446, discloses a storage and display bag for used and unused cells.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

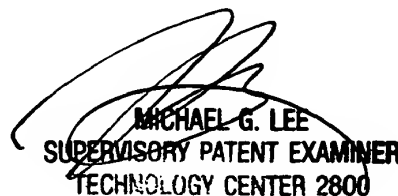
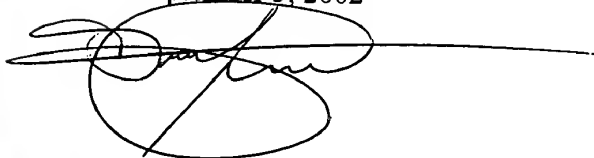
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
Art Unit 2876

DS
September 3, 2002



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800